



DECISION MEMORANDUM
Mill Creek Bridge
USDA Forest Service, Northern Region
Nez Perce – Clearwater National Forest
Salmon River Ranger District
Idaho County, Idaho



I. Decision

I have decided to authorize replacing Trail 313's ford of Mill Creek with a bridge and hardened approaches.

The location of the site is at T27N, R3E, Section 25, NE ¼, Boise Meridian.

Background

The project is being initiated to improve habitat for the anadromous and resident fish populations by increasing cover and stream depth; and, reducing turbidity and physical disturbance caused by Forest visitors while providing a safer and more enjoyable recreational experience for visitors.

Implementation and Design Specifications

The current ford will be restored and replaced with a bridge immediately downstream of its present location. The bridge will be constructed using the regionally approved Forest Service Standard Plans for Trail Bridges. All lumber will be pressure treated to extend the lifetime of the structure. Abutments for the bridge will likely be three by nine feet. Wire mesh gabion baskets will be filled with rock gathered on site.

The eastern approach will have the current corduroy logs removed and replaced with a 40 foot rock turnpike with cross drains. The western approach will have a 20 foot rock turnpike built through the current section of standing water. The turnpike will incorporate sufficient drainage to allow natural hydrological processes to occur.

All material for the turnpike will be found on site, as large rocks are plentiful in the area. A small borrow pit will be located and dug for the top course of the turnpike.

All in-stream activity will take place between July 1st and August 15th, 2014, to reduce the impact on aquatic species. *Activities will conform to the Biological Assessment for Stream Crossing Structure Replacement and Removal Activities Affecting ESA-listed Species in Idaho National Forests (Programmatic BA) June 9, 2005 or its revision.*

All work will be accomplished with Forest Service personnel and volunteers from the local ATV club. Materials will be transported to the site using ATV's and trailers. Generators, power equipment, rigging equipment, ATV's, and hand tools will be used to build the bridge.

II. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

B. Finding of the Absence of Adverse Effects to Extraordinary Circumstances

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(1), *Construction and reconstruction of trails*. Based on my review of the actions associated with this project, I find that this project is consistent with applicable Federal laws, State or local laws or requirements for the protection of the environment and cultural resources regulations.

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions; 2) the proposed action meeting the purpose and need; 3) the findings related to extraordinary circumstances; 4) the project's consistency with laws and regulations, including the Forest Plan; 5) the on-the-ground review and discussion with resource specialists; and, 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:

The Interdisciplinary Team (ID Team) Botanist, and Wildlife and Fisheries Biologists determined the proposed actions will have no effect or impact on listed or sensitive plant, wildlife or fish species or habitat, and suitable habitat will not be altered because habitat is not present in the project area, habitat is present but the species do not occur in the project area or habitat is present and the species may occur, but the project will not affect the habitat for the species, and no incremental effects exist that will cause a cumulative effect, as documented in the Biological Assessments and Evaluations, and specialists' reports (see plant, wildlife, and fish sections of the project record), and, therefore, no extraordinary circumstances were identified to these resources.

2. Floodplains, wetlands or municipal watersheds:

The Forest hydrologist has made the following determination with regard to Floodplains, wetlands, and municipal watersheds within the project site:

Floodplains: The Project will not modify or occupy floodplains to an extent greater than already exists. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.

Wetlands: The Project does not propose to modify or destroy wetlands. As such, the Project will not adversely affect wetlands; thereby complying with EO 11990 and FSH 1909.15, Chapter 30.3.2.

Municipal Watersheds: *The Project area is not located within a municipal watershed. As such, the Project will not adversely affect municipal watersheds; thereby complying with FSH 1909.15, Chapter 30.3.2.*

Clean Water Act, Safe Drinking Water Act, and State Water Quality Laws: The proposed project is also consistent with all applicable State and Federal water quality laws because project Design Criteria and BMPs have been included to protect water resources.

Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area; downstream waters or resources in floodplains, wetlands, and municipal watersheds; thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 30.3.2.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:

The project area is not located in any congressionally designated area and, therefore, no extraordinary circumstances were identified to these resources.

4. Inventoried Roadless areas or potential wilderness areas:

The project is not located within any designated Roadless or wilderness areas.

5. Research Natural Areas:

The project area does not include land designated as Research Natural Areas and, therefore, no extraordinary circumstances were identified to these resources.

6. American Indians and Alaska native religious or cultural sites and

7. Archaeological sites, or historical properties or areas:

The Forest Cultural Resource Specialist has conducted an appropriate inventory, and determined that this project will have no adverse effects to cultural properties because the cultural resources are not eligible for the National Register of Historic Places and the project has been designed to avoid significant effects to components/features associated with listed, eligible or unevaluated cultural resource sites. Further, the Idaho State Historic Preservation Officer has formally concurred with this conclusion on March 19, 2013.

Additionally, the Nez Perce Tribal Government Liaison and Nez Perce Tribal staff has had the opportunity to review the project for impacts to Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

Interested and Affected Agencies, Organizations, and Persons Contacted

On January 30, 2012, the Forest Service mailed letters providing information and seeking public comment to over 300 individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene tribes. We received two letters in response to our request for comments; both of these letters had *specific identifiable* concerns with regard to the project.

- **Friends of the Clearwater:** This organization suggested that an Environmental Assessment (EA) was needed to look at impacts and benefits from the project. It stated that the work is premature until the Forest Service makes a decision on the travel plan. **Our response:** *This project falls well within the criteria established for categorical exclusions under 36 CFR 220.6(e)(1) Construction and reconstruction of trails. While it is true a formal decision has not been reached with the Nez Perce Travel Plan, all alternatives in the description of route and area for motorized vehicle use ("DRAMVU") provide for ATV/cycle use on that portion of Trail 313, and would vary the season of use. No alternative proposes closing Trail 313 to motorized use in that section; therefore, installing a bridge would be consistent with any DRAMVU alternative that is selected with the decision.*
- **The Idaho Department of Parks and Recreation:** The agency was concerned that legal description, as stated in the January 30, 2012, letter was incorrect. **Our response:** *Thank you for calling this error to our attention. The legal description for the project has been changed to reflect this correction.*

III. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that the project is consistent with applicable Federal laws and regulations.

National Forest Management Act and Nez Perce National Forest Plan: This action is consistent with the standards and guidelines contained in the 1987 Nez Perce National Forest Plan (USDA Forest Service 1987), as amended, as required by the National Forest Management Act of 1976 (see project record for further information) because minerals management goals, objectives, and standards are accomplished and protection of fish habitat is assured.

Forest Plan Amendment 20 - PACFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the proposed action comply with direction regarding PACFISH because no effects to wildlife or fish species or habitat are anticipated. The project is consistent with the Forest Plan, including the PACFISH amendment which describes the Riparian Management Objectives (RMOS), and will have no effect on these RMOs, including pool frequency, water temperature, large woody debris, bank stability, lower bank angle, or width-to-depth ratio because of the project location in relation to the stream channel and the nature of the disturbance.

Endangered Species Act: A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialists' reports, and determined the Mill Creek Bridge Project is consistent with Section 7 of the Endangered Species Act because no effects to threatened and endangered species are anticipated.

Clean Air Act: This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) because no effects to air quality are anticipated and no prescribed burning is planned.

Clean Water Act and State Water Quality Laws: The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, as amended, and state and Federal water quality laws, and will protect beneficial uses because project design criteria and BMPs have been included to protect water resources. No municipal water supplies are located within, adjacent, or downstream of the project. Based on the implementation of project design measures and adherence to Idaho BMPs, this proposal will produce no measurable effects to water quality of area waters, and therefore will have no impacts to beneficial uses.

National Historic Preservation Act: The Forest Cultural Resource Specialist has conducted an appropriate inventory, and determined that this project will have no adverse effects to cultural properties because cultural properties located within the area of potential effects do not meet the eligibility requirements for the National Register of Historic Places; and, the project has been designed to avoid significant effects to components/features associated with listed, eligible or unevaluated cultural resource sites. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

Migratory Bird Treaty Act: No substantial losses of migratory bird habitat are expected from the implementation of this proposal, nor any measurable impact on neo-tropical migratory bird populations as a whole. The proposed action will comply with the Migratory Bird Treaty Act.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

Environmental Justice: The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during the effects analysis.

Prime Farm Land, Range Land, and Forest Land: The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest system. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

Energy Requirements: No unusual energy demands are required to implement the proposed action.

Other Laws or Requirements: The proposed action is consistent with all other Federal, State or local laws or requirements for the protection of the environment and cultural resources.

IV. Administrative Review and Appeal Opportunities, and Implementation Date

This decision is subject to appeal pursuant to 36 CFR 215. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the *Lewiston Tribune*, Lewiston, Idaho. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

USDA Forest Service, Northern Region OR
ATTN: Appeal Deciding Officer
P.O. Box 7669
Missoula, MT 59807

USDA Forest Service, Northern
Region
ATTN: Appeal Deciding Officer
200 East Broadway
Missoula, MT 59802

Office hours: Weekdays, excluding Federal holidays, 7:30 a.m. to 4:00 p.m. (MST).

Facsimile transmitted appeals must be submitted to: (406) 329-3411.

Electronic appeals must be submitted to: appeals-northern-regional-office@fs.fed.us

The subject line in electronic appeals should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project or activity specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251(c);
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;

- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the comments; and,
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project, informal resolution meetings and/or conference calls may be scheduled between the Responsible Official and the appellant. These discussions will take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: <http://www.fs.usda.gov/goto/r1-appeal-meetings>.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.


Contact Person

Questions regarding this decision should be sent to Linda S. Helm, c/o Nez Perce-Clearwater National Forests, 104 Airport Road, Grangeville, Idaho 83530 or by telephone at (208) 935-4285 or facsimile transmittal at (208) 983-4099 during business hours (weekdays, excluding Federal holidays, from 7:30 a.m. to 4:30 p.m. PST).

V. Signature of Deciding Officer



 JEFF SHINN
 Salmon River District Ranger



 Date

Enclosures: Map of project site

cc: Josh Lattin, Jeremy Harris

Proposed Mill Cr. Bridge Site

